

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

HBL SNF, LLC, d/b/a EPIC REHABILITATION  
AND NURSING AT WHITE PLAINS,

Chapter 11

Case No. 21-22623 (SHL)

Debtor.

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WHITE PLAINS HEALTHCARE PROPERTIES I, LLC,

Plaintiff,

against

Adversary Proceeding

HBL SNF, LLC, LIZER JOZEFOVIC A/K/A LIZER  
JOZEFOVIC, and MARK NEUMAN,

Case No. 21-07096 (SHL)

Defendants and Third-Party Plaintiffs,

against

CCC EQUITIES, LLC, PROJECT EQUITY  
CONSULTING, THE CONGRESS COMPANIES,  
HOWARD FENSTERMAN, WILLIAM NICHOLSON, and  
METROPOLITAN COMMERCIAL BANK

Third-Party Defendants  
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**DECLARATION OF ERIC B. FISHER IN SUPPORT OF WHITE PLAINS  
HEALTHCARE PROPERTIES I, LLC's MOTION TO REMAND**

I, Eric B. Fisher, declare as follows:

1. I am a partner with Binder & Schwartz LLP, counsel for White Plains Healthcare Properties I, LLC (“WPH Properties”). I make this declaration in support of WPH Properties’ Motion to Remand Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity (the “Motion to Remand”).

2. Attached hereto as Exhibit A is a true and correct copy of the amended complaint filed in *White Plains Healthcare Properties I, LLC v. HBL SNF, LLC*, Index No. 60278 (N.Y. Sup. Ct.).

3. Attached hereto as Exhibit B is a true and correct copy of the amended and restated Lease of the Real Property, dated as of November 19, 2015, between WPH Properties and HBL SNF, LLC.

4. Attached hereto as Exhibit C is a true and correct copy of the Guaranty of Lease made as of November 19, 2015 by Lizer Jozofovic [sic] to WPH Properties.

5. Attached hereto as Exhibit D is a true and correct copy of the Guaranty of Lease made as of November 19, 2015 by Mark Neuman to WPH Properties.

6. Attached hereto as Exhibit E is a true and correct copy of the Collateral Assignment and Pledge of Membership Interest and Security Agreement made as of August 11, 2017 by Lizer Jozefovic to Howard Fensterman, as nominee for WPH Properties.

7. Attached hereto as Exhibit F is a true and correct copy of the complaint filed in *Jozefovic v. White Plains Healthcare Properties I, LLC*, Index No. 655549/2020 (N.Y. Sup. Ct.) (the “Waterview Litigation”).

8. Attached hereto as Exhibit G is a true and correct copy of the April 8, 2021 Decision and Order in the Waterview Litigation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: December 3, 2021

/s/ Eric B. Fisher  
Eric B. Fisher